IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 9335 OF 2005

Between:

1. N.Praveen Kumar Reddy, S/o.Srinivasulu Reddy,
Aged 29 years, R/o:Juvvalapalem Naidupet Mandal,

Nellore District.

2 N.Pushpavathamma, W/o.Srinivasulu Reddy,
Aged 35 years, R/o:Juvvalapalem Naidupet Mandal,

Nellore District.

3 D.Pratima, W/o.Srinivasulu Reddy, Aged 33 years,
R/o:Juvvalapalem Naidupet Mandal, Nellore District.

..... PETITIONERS

AND

1 The District Collector, Nellore Nellore Dist.
2 The Mandal Revenue officer, Naidupet Mandal, Nellore Dist.
3 G.Nagarjuna Reddy, S/o.Balram Reddy,
Village Secretary of Juvvalapalem & Biradawada, Naidupet

Mandal, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any writ or order, direction more particularly one in the nature of writ of Mandamus, declaring the

action of the 2nd respondent in publishing the final voters list of the 3rd respondent of Juavvalapalem and Biradawada Waters Users Association, T.C.VI of Naidupet Mandal, Nellore District without following the rules and guidelines and without having any power is arbitrary, unreasonable and accordingly, set aside the impugned final voters list of 4-4-2005 Juavvalapalem and Biradawada Waters Users Association T.C.VI of Naidupet Mandal and consequently direct the respondents to conduct the enquiry as per the list prepared by Dy. Executive Engineer, Sullurpet, Nellore District, and pass such other orders as are necessary in the interests of justice.

Counsel for the Petitioner: SMT.S.SWARNA REDDY

Counsel for the Respondent 1 &2: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

The petitioners are the landholders of Juvvalapalem village, Naidupet Mandal, Nellore District. It is stated that in the year 1997, elections were conducted to the Water Users Association of the Village. While so, under the Amended Act and the AP Farmers Management of Irrigation Systems (Amendment) Act, 2003, the voters list was published on 9.2.2005, in derogation of Rules, more particularly Rule 8 which mandates that under Sub-Rule (2), the list shall be revised three months before the commencement of the elections in the manner prescribed. It is asserted that though the voters list was published on l9.2.205, it was made available to them on 21.4.2005 only and it did not contain the name of petitioners and, as such, they made representation on 21.4.2005. Therefore, with the above prayer, the petitioners filed the instant writ petition.

The records show that the election process started from 9.2.2005 on which date final publication of the voters lists of Chinnadudyala village Water Users Association was published. As per Rule 9 (6) of the Rules, after receiving the objections, if any, the District Collector,

or the auhorised Officer shall consider all such objections within a week and finalize such lists, by appending the names of the deleted or incorporated, at the end of each list and a final notice thereof shall be published in form I in respect of the voters list and be made available for verification. It is submitted that the petitioners have not filed any objections, as contemplated under the Rules, before the District Collector. On the other hand, it is asserted that they are made available the copy of the final publication of the list, on the evening of 21.4.2005. This assertion requires verification. Therefore, at this point of time, the extraordinary jurisdiction of this court under Article 226 of the Constitution of India, cannot be invoked and the election process cannot be stalled, as such I do not see any reason to entertain the writ petition and it is accordingly dismissed. No order as to costs. This order, however, does not preclude the petitioners from assailing the election, by way of election petitions, in appropriate forum.

Elipe Dharma Rao, J.

April 23, 2005

MAS.

To

1 The District Collector, Nellore, Nellore Dist.
2 The Mandal Revenue Officer, Naidupet Mandal, Nellore Dist.
3. Two Copies to GP for Irrigation and Command Area

Development, A.P. High Court Buildings, Hyderabad.

3 **2 CD copies**

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